

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOSEPH G. WILEY,

CV F 05-00308 DLB HC

Petitioner,

ORDER DISMISSING ACTION AS TIME-BARRED

V.

[Doc. 14]

A.K. SCRIBNER,

Respondent.

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pursuant to 28 U.S.C. § 636(c)(1), the parties have consented to the jurisdiction of the United States Magistrate Judge.

On June 21, 2005, Respondent filed a motion to dismiss the action. Petitioner did not file an opposition. On August 1, 2005, the undersigned issued Findings and Recommendations recommending that Respondent's motion to dismiss be granted and the action be dismissed. (Court Doc. 14.) On this same date, pursuant to both parties having filed a consent form agreeing to Magistrate Judge jurisdiction, the District Judge assigned this action to the undersigned for resolution.¹ (Court Doc. 15.) Petitioner did not file objections to the Findings and Recommendations.

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¹ The Court notes that at the time the Findings and Recommendations were issued both parties had already filed consent form consenting to Magistrate Judge jurisdiction; however, the District Judge had not yet issued an order assigning the action to the undersigned.

1 Therefore, the instant action is DISMISSED as time-barred, for the reasons set forth in the
2 August 1, 2005, Findings and Recommendations.

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4 IT IS SO ORDERED.

5 Dated: September 19, 2005
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/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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